

**JOE WARDY**  
MAYOR



## **CITY COUNCIL**

**SUSAN AUSTIN**  
DISTRICT NO. 1

**ROBERT A. CUSHING, JR.**  
DISTRICT NO. 2

**JOSE ALEXANDRO LOZANO**  
DISTRICT NO. 3

**JOHN COOK**  
DISTRICT NO. 4

**DANIEL S. POWER**  
DISTRICT NO. 5

**PAUL J. ESCOBAR**  
DISTRICT NO. 6

**VIVIAN ROJAS**  
DISTRICT NO. 7

**ANTHONY W. COBOS**  
DISTRICT NO. 8

**REGULAR COUNCIL MEETING**  
**COUNCIL CHAMBERS**  
**JULY 15, 2003**  
**9:00 A.M.**

The City Council met in regular session at the above place and date. Mayor Joe Wardy present and presiding and the following Council Members answered roll call: Susan Austin, Robert A. Cushing, Jr., Jose Alexandro Lozano, John Cook, Daniel S. Power, Vivian Rojas and Anthony W. Cobos. Late arrival: Paul J. Escobar. Meeting was called to order at 9:07 a.m. and the invocation was given by Chaplain Sam L. Faraone, followed by the Pledge of Allegiance to the Flag of the United States of America.

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\*Motion made, seconded and unanimously carried to postpone three (3) weeks City employees must be held accountable. City employees were given a pay raise and yet the level of competence has not justified this in all matters. [G. A. "Jorge" Molinar]

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\*Motion made, seconded and unanimously carried to postpone three (3) weeks: Upper Valley re-zoning. Master Plan needed. Approximately 500 acres of farm land (some outside of City) are likely to be designated for residential re-zoning. Several large parcels were re-zoned without residents being notified. R-3A is being approved by City Council in violation of the promise to keep this area R-1 when it was annexed. All this land must be looked at as a whole instead of each parcel. A Master Plan would give developers some idea what can be R-2 and what must be kept R-1. [G. A. "Jorge" Molinar]

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\*Motion made, seconded and unanimously carried to postpone three (3) weeks: City Attorney's ruling to send re-zoning application back to Planning Commission. This was after 03-017 was rejected by Planning Commission. [G. A. "Jorge" Molinar]

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No action was taken on La Mujer Obrera and El Puente CDC Initiative for Bilingual Workforce Development and Social Enterprise. [Anayanse Garza]

Ms. Anayanse Garza, La Mujer Obrera representative, requested Council's financial assistance with La Mujer Obrera and El Puente CDC projects.

Ms. Trinidad Porras, La Mujer Obrera participant, spoken in Spanish, with Ms. Garza translating, regarding her experiences in receiving English language training classes

Ms. Guadalupe Briones, La Mujer Obrera participant, spoke regarding her experiences in receiving English language training classes.

Ms. Jenna Camp, La Mujer Obrera representative, provided statistical information for Council Members' information.

Representatives Cobos, Cook, Austin, and Power provided comments.

Mayor Joe Wardy requested that Ms. Picard-Ami speak with Mr. Alan D. Landry, Director of Economic Development, in order that the City coordinate with La Mujer Obrera to provide possible financial support.

Motion made by Representative Cobos, seconded by Representative Cushing, and unanimously carried to approve, as revised, all matters listed under the Consent Agenda unless otherwise noted.

(Items approved, postponed, or deleted pursuant to the vote on the Consent Agenda will be shown with an asterisk {\*}).

\*Motion made, seconded and unanimously carried to approve the Minutes for Regular City Council Meeting of August 6, 2002, May 20, 2003, and July 8, 2003, and Special City Council Meetings of August 12, 2002, June 16, 2003, June 19, 2003, June 23, 2003, June 30, 2003, July 7, 2003, and July 9, 2003, and Legislative Review Committee of the Whole Meetings of June 16, 2003, June 23, 2003, June 30, 2003, and July 7, 2003.

\*RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign a Third Amendment to the SOFTWARE AND MAINTENANCE AGREEMENT by and between the CITY OF EL PASO, TEXAS and APPRAISAL AND COLLECTION TECHNOLOGIES (ACT), the commercial software division of Linebarger Goggan Blair and Sampson L.L.P., to extend the Term of the Agreement, adjust the compensation accordingly, and to amend the Current Tax Statement Fees.

\*RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign and submit a grant application from the City of El Paso Police Department for an Automobile Theft Prevention Grant (eleventh year) in the revised amount of \$745,284.00 from the Automobile Theft Prevention Authority - State of Texas, for the purpose of continuing the efforts of the Department in reducing auto theft in El Paso County. In-Kind Match for the operation of the task force is \$1,643,771.00. The Grant Officials will be as named within the application.

That the El Paso City Council agrees in the event of loss or misuse of Auto Theft Prevention Authority Grant funds, the funds will be returned to the State of Texas and the Auto Theft Prevention Authority in full.

\*RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign a grant application including all understandings and assurances contained therein, and apply for, accept, reject, alter or terminate the grant, for Victim Services Response Team Project (OVAG) Grant from the Office of the Attorney General of Texas in the amount of \$120,000.00 to fund a Victim Services Volunteer Coordinator and a Volunteer Services Case Manager for the Victim Services Response Team of the El Paso Police Department for two years; matching funds required in the amount of \$12,208.00. The Grant Officials will be as named within the application.

That the El Paso City Council agrees in the event of loss or misuse of OAG Grant funds, the funds will be returned to the Office of the Attorney General in full.

That the El Paso City Council agrees that the existence of an award will not be used to offset or decrease total salaries, expenses and allowances that the City receives or provides to its Police Department at or after the time the grant is awarded.

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\*RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign a grant application including all understandings and assurances contained therein, and apply for, accept, reject, alter or terminate the grant, for Victim Liaison Services Project (VCLG) Grant from the Office of the Attorney General of Texas in the amount of \$120,000.00 to fund two Crime Victim Liaison Case Managers for the Victim Services Response Team of the El Paso Police Department for two years; matching funds required in the amount of \$12,404.00. The Grant Officials will be as named within the application.

That the El Paso City Council agrees in the event of loss or misuse of OAG Grant funds, the funds will be returned to the Office of the Attorney General in full.

That the El Paso City Council agrees that the existence of an award will not be used to offset or decrease total salaries, expenses and allowances that the City receives or provides to its Police Department at or after the time the grant is awarded.

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\*RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign a Contract between the City and the Salvation Army for Supportive Housing Program Grant (Project No. TX1B202003) funds in the amount of \$160,634.00 for the period April 1, 2003 to March 31, 2006, to operate a Supportive Housing Program for Homeless Families with Children at 1926-1930 Bassett Avenue, in accordance with the 2002 Supportive Housing Program Renewal Grant Agreement awarded by the United States Department of Housing and Urban Development.

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\*RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to execute and file a renewal grant application to the Corporation for National Service for the Foster Grandparent Program, on behalf of the City of El Paso, in the amounts of \$433,851 (Federal), \$60,786 (City), \$25,000 (CDBG), and \$3,211 (State) for a total of \$522,848; and

That Deborah G. Hamlyn, Director, Community and Human Development, be authorized to furnish such additional information as the Corporation for National Service may require in connection with the application or the project and that Community Development staff be authorized to submit this reapplication electronically; and

That the Mayor be authorized to execute any Grant Agreements for the above amount, or for a greater or lesser amount, and any amendments to the initial Grant Agreement which increases, decreases or deobligates program funds, provided that no additional City funds are required, upon approval by the Corporation for National Service. The funding obtained with this grant will benefit Districts 1 through 8.

**Motion made, seconded and unanimously carried to move to the Regular Agenda the following:**

## RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor, on behalf of the City and the City Clerk, be authorized to sign a Release of Lien whereby the City releases its lien in the amount of Eleven Thousand Five Hundred And No/100ths Dollars (\$11,500.00 - \$4000 loan/\$7500 grant) against the following described real property:

Lot 276, Singh Addition Third Section, an Addition to the City of El Paso, El Paso County, Texas, according to the map thereof on file in Book 2, Page 59, Plat Records of El Paso County, Texas; also known and numbered as 9315 Corralitos, El Paso, Texas 79907.

for consideration paid to the City in full satisfaction of that certain promissory note executed by the owner of the above-described real property and payable to the order of the City; and that the City Comptroller issue a refund check resulting from an overpayment on the loan for the amount of One Hundred Two And 71/100ths Dollars (\$102.71).

**Mr. Jorge Artalejo, citizen, commented.**

Motion made by Representative Escobar, seconded by Representative Power and unanimously carried to approve the above Resolution.

**\*RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor, on behalf of the City and the City Clerk, be authorized to sign a Release of Lien whereby the City releases its lien in the amount of Nine Thousand Three Hundred Fifty And No/100ths Dollars (\$9,350.00 - \$8700 loan/\$650 grant) against the following described real property:

Tract 42, Park View Addition, an Addition to the City of El Paso, El Paso County, Texas, according to the map thereof on file in Book 7, Page 7, Plat Records of El Paso County, Texas; also known and numbered as 6442 Art Circle, El Paso, Texas 79905.

for consideration paid to the City in full satisfaction of that certain promissory note executed by the owner of the above-described real property and payable to the order of the City.

**\*RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign a Contract between the **CITY OF EL PASO** and **OSCAR GONZALEZ**, to assist the Mayor's Office as a Neighborhood Initiatives Liaison, at a biweekly rate of \$1,461.54, for 40 hours per week. The term of the contract shall be for the period of July 16, 2003 through July 15, 2004.

**\*RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign the following special events agreement for space in the El Paso Museum of Art.

Event: Reception  
 Licensee: United Way of El Paso County  
 Date: August 5, 2003  
 Time: 5:30 p.m. - 7:30 p.m.  
 Charge for Space: \$800.00  
 Charge for Staff (est): \$120.00  
 Charge for Equipment/Furniture: \$200.00  
 Charge for Insurance: -0- (they have their own)  
 Area(s): Arts Festival Plaza

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 \*Motion made, seconded and unanimously carried to approve the request from Joann T. Shaw of the Police Department for Special Sick Leave.

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 \*Motion made, seconded and unanimously carried to approve the request from Lorenzo Hernandez of Solid Waste Management for Special Sick Leave.

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 \*Motion made, seconded and carried to postpone two (2) weeks the appointment of Said Larbi-Cherif as Building Permits and Inspections Director (provisional) effective July 21, 2003.

Representatives Cook, Power and Escobar voted Nay.

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 Motion made by Representative Cook, seconded by Representative Cobos and unanimously carried to postpone two (2) weeks the appointment of Manuel Verduzco as Information Technology Director effective July 15, 2003.

Motion made by Representative Cook, seconded by Representative Cobos and unanimously carried to reconsider the appointment of Manuel Verduzco as Information Technology Director effective July 15, 2003.

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 \*Motion made, seconded and unanimously carried to approve the removal of Gregory Tucker from the Parks and Recreation Advisory Board.

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 \*Motion made, seconded and unanimously carried that the following installment agreements for AD VALOREM taxes be approved in the amount shown and that the Mayor be authorized to sign said agreements on behalf of the City:

- A. PID #B202-999-0780-3600, \$358.54 per month installments on a balance of \$6,453.72 for 1999, 2000, 2001 & 2002 taxes; Frederick Esquivel – 2321 Wyoming.
- B. PID #E054-999-0350-1300, \$464.11 per month installments on a balance of \$2,320.55 for 2002 taxes; Stephen A. & Rita G. Pena – 2324 Sea Side Dr.
- C. PID #H453-999-024B-8500, \$681.08 per month installments on a balance of \$19,070.24 for 1996, 1997, 1998, 1999, 2000 & 2001 taxes; Phillip McElvaine – 2400 Murchison Dr.
- D. PID #P795-999-2880-0900, \$200.22 per month installments on a balance of \$2,402.64 for 2002 taxes; Dora G. Weber & 1 – 1110 – 1112 E. California.
- E. PID #S533-000-0150-29B3, \$161.60 per month installments on a balance of \$1,939.20 for 2001 taxes; Martin E. & Elizabeth Morales – 10261 Celedon.
- F. PID #V893-999-2080-0500, \$221.31 per month installments on a balance of \$2,655.72 for 2002 taxes; Carmen Aragon - 1618 Common.
- G. PID #C340-999-0460-3700, \$194.03 per month installments on a balance of \$2,328.36 for 2002 taxes; Maria D. C. Aguirre – 7016 Villa Hermosa.
- H. PID #C863-000-0010-3000, \$208.21 per month installments on a balance of \$2,498.52 for 2002 taxes; Miguel E. & Maria T. Rodriguez – 11957 Pamela Raye Rd.

\*Motion made, seconded and unanimously carried that the following tax refunds be approved:

- A. Midland Mortgage Company in the amount of \$1,724.09, overpayment of 2002 taxes.  
(PID #K440-999-0010-0200)
- B. Hector H. & Lucy V. Rodriguez in the amount of \$777.58, overpayment of 2001 taxes.  
(PID #S075-000-0340-05A1)
- C. Homecomings Financial in the amount of \$2,827.73, overpayment of 2002 taxes.  
(PID #E054-999-0010-0350)
- D. Countrywide Home Loans in the amount of \$1,091.69, overpayment of 2002 taxes.  
(PID #T527-999-0310-5100)
- E. Wells Fargo Home Mortgage in the amount of \$4,323.20, overpayment of 2002 taxes.  
(PID #A788-000-0040-0200)
- F. Wells Fargo Real Estate Tax Services, LLC in the amount of \$2,723.44 overpayment of 2002 taxes.  
(PID #C340-999-0450-1300)
- G. Heritage – Lincoln - Mercury in the amount of \$22,676.12, overpayment of 2000, 2001 & 2002 taxes. (PID #C801-999-0090-2500)
- H. Frank & Lori Armendariz in the amount of \$4,458.56, overpayment of 2002 taxes.  
(PID #R577-999-0080-1000)
- I. Carlos Hernandez in the amount of \$2,892.88, overpayment of 2002 taxes.  
(PID #S812-999-0110-2200)
- J. ABN AMRO Mortgage Group, Inc. \$7,280.41, overpayment of 2001 taxes.  
(PID #W418-999-0020-2000)

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\*Motion made, seconded and unanimously carried to award Bid No. 2003-118 Administration of HUD Loans

Award to: Amerinational Community Services, Inc.  
Downey, CA  
Item: 1  
Amount: \$ 20,000.00 (Estimated One Time Set Up Fee)  
\$152,400.00 (Estimated Annually)  
Department: Community Development  
Funds available: 71150039-09903-G710RLFCDH  
Funding source: CDBG Revolving Loan Fund Grant  
Total award: \$172,400.00 (Estimated Annually)

Community and Human Development and the Purchasing Department recommend award as indicated as this vendor has provided the Best Value Bid.

This is thirty-six (36) month contract with the City's option to extend the contract for two (2) additional one (1) year terms.

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\*Motion made, seconded and unanimously carried to approve budget transfer BT2003-783 MUSEUM  
To transfer funds for the purchase of merchandise – sales to the public. Due to increased sales this fiscal year, additional inventory is needed to meet public demand for goods sold.

Increase	\$10,000	to	54500028/50110/404306	Sales to public
Increase	\$10,000	to	54500028/50110/503102	Promo Sup

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\*Motion made, seconded and unanimously carried to approve budget transfer BT2003-786 MUSEUM  
To appropriate funds to pay expenses for Chicano Visions Preview from revenue that was received from admissions to preview.

Increase	\$8,000	to	54500025/50105/407002	Est Revenue
Increase	\$8,000	to	54500025/50105/502215	OutsideCont NOC

\*Motion made, seconded and unanimously carried to approve budget transfer BT2003-789 HUMAN RESOURCES

To cover tuition reimbursement costs until the end of the year.

Increase	\$64,000	to	09010030/01101/504424	Tuition Reimburse
Decrease	\$64,000	from	99010273/01101/504411	Salary Reserve

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\*Motion made, seconded and unanimously carried to approve the request of Greater El Paso Chamber of Commerce to hold a Fort Bliss Fiesta Week Parade on August 9, 2003 from 10:00 a.m. to 11:00 a.m. Route: Start on the front gate of Robert E. Lee to Airport Rd., turn right on Airport Rd. to Sioux, turn left on Sioux to Montana, turn right on Montana, proceed on Montana to Chelsea St., turn right on Chelsea and finish at the south side gate on Pleasonton Rd. Approximately 3,500 persons and 20 vehicles will take part. PERMIT NO. 03-104

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\*Motion made, seconded and unanimously carried to approve the request of Telly Williams to use amplification (1 amp-1000 watts and 1 speaker-500 watts) at San Jacinto Plaza on July 19, 2003 from 1:00 p.m. to 5:00 p.m. Approximately 1 person will take part and 50-60 spectators are anticipated. PERMIT NO. 03-105

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\*Motion made, seconded and unanimously carried to delete the public hearing of the Ordinance changing the zoning of Tracts 1F, 3B, 3B1A, and 3C, and Portions of Tracts 1J, 1J1, & 1K, Block 10, UPPER VALLEY SURVEYS, El Paso, E Paso County, Texas (Artcraft Road and Westside Drive) from R-F (Ranch-Farm) to R3-A (Residential). The penalty is as provided in Section 20.68.010 of the El Paso Municipal Code. Applicant: Ranch Real V, Ltd. / Representative: Conde, Inc., 1790 Lee Trevino, Suite 400, El Paso, TX 79936 ZC-03017 **THIS IS AN APPEAL CASE**

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**ORDINANCE 15484**

The City Clerk read an Ordinance entitled: **AN ORDINANCE GRANTING SPECIAL PERMIT NO. SU-03013 TO ALLOW FOR A PARKING REDUCTION ON THE PROPERTY DESCRIBED AS LOTS 33, 34 AND 8.80 FEET OF LOT 35, BLOCK 13, SUMMIT PLACE, EL PASO, EL PASO COUNTY, TEXAS (4100 PIEDRAS), PURSUANT TO SECTION 20.64.175. THE PENALTY IS AS PROVIDED IN CHAPTER 20.68 OF THE EL PASO MUNICIPAL CODE.**

Mr. Rudy Valdez, Chief Urban Planner, provided explanation regarding the Special Permit reduction of parking spaces.

Representative Cushing asked questions of Mr. Valdez.

Mr. Valdez responded.

The City Clerk called for public comment. There was no public comment.

Motion duly made by Representative Cushing, seconded by Representative Escobar, that the Ordinance be adopted. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Council Members Austin, Cushing, Lozano, Cook, Power, Escobar, Rojas and Cobos

NAYS: None Absent: None

Whereupon the Mayor ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby adopted.





ORDINANCE 15486

The City Clerk read an Ordinance entitled: **AN ORDINANCE GRANTING A SPECIAL PRIVILEGE TO DANNY'S PLACE TO TEMPORARILY CLOSE A PORTION OF RAYNOR STREET BETWEEN PERSHING DRIVE AND MONTANA AVENUE FOR A CUSTOM AND HOT ROD CAR SHOW FROM 10:00 A.M. ON SUNDAY, JULY 20, 2003 UNTIL 8:00 P.M. ON SUNDAY, JULY 20, 2003.**

Mr. Rudy Valdez, Chief Urban Planner, explained the Special Privilege for Council Members' information.

The City Clerk called for public comment. There was no public comment.

Motion duly made by Representative Cobos, seconded by Representative Escobar, that the Ordinance be adopted. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Council Members Austin, Cushing, Lozano, Cook, Power, Escobar, Rojas and Cobos

NAYS: None Absent: None

Whereupon the Mayor ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby adopted.

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\*Motion made, seconded and unanimously carried to delete the public hearing to determine if the property located at 9498 Montwood Drive, in the City of El Paso (legal description on file with the City Clerk) is a fire and safety hazard, and a nuisance and whether the same should be repaired or demolished. The owner of this property, Christopherson Construction, Inc., 6406 Needham Lane, Austin, Texas 78739-1511, has been notified of the violations at this property.  
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RESOLUTION

WHEREAS, the Director for Building Permits and Inspections and the Fire Marshal of the City of El Paso have conducted an investigation and have reported to the City Council in writing that they are of the opinion that the structure located on the property at 8126 Lowd Ave, in El Paso, Texas, which property is more particularly described as follows:

**Tract: The Easterly 54.74 feet of the Northerly 75 feet and the Easterly 40.75 feet  
Of the Southerly 80 feet of the Northerly 155 feet of Tract 59, Cinecue Park  
Subdivision, an Addition to the City of El Paso, El Paso County, Texas**

is dilapidated, substandard, and unfit for human habitation; is a hazard to public health, safety, and welfare; does not meet the minimum standards for continued use and occupancy contained in Titles 17 and 18 of the Municipal Code which are adopted and incorporated by reference into Section 18.52; and

WHEREAS, **Joaquina Castillo, 3524 Altura Ave., El Paso, Texas 79930** record Owner, and all mortgages and lienholders were duly notified according to law to appear at a public hearing before City Council at 9:00 a.m. on June 24<sup>th</sup>, 2003; and was postponed until July 1<sup>st</sup> 2003; and postponed again until July 8<sup>th</sup>, 2003; and postponed until July 15<sup>th</sup>, 2003; and

WHEREAS, NO ONE, APPEARED,

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

1. That City Council having heard the evidence, makes the following findings:
  - a. That the structure located on said property is condemned as substandard, unfit for human habitation or use, and therefore a hazard to the public health, safety, and welfare; and
  - b. That the structure is not in substantial compliance with municipal ordinances regulating fire protection, structural integrity, and disposal of refuse; and
  - c. The structure's certificate of occupancy is hereby revoked; and
  - d. That the structure can be repaired.
1. That the City Council hereby orders the Owner to comply with the following requirements:
  - a. That the Building be secured within (30) days and maintain secured; and
  - b. That the premises be cleaned of all weeds, trash and debris within (30) days and maintain the premises clean; and
  - c. That a public hearing be scheduled for **August 19<sup>th</sup>, 2003**, in the City Council Chambers, to determine if the Council order has been complied with and, if not, to determine penalties; and
  - d. That the Owner of said Building is hereby ordered to comply with all requirements of the Resolution; and
  - e. The owner is advised that in order to obtain a new certificate of occupancy, the entire building and its service systems must be brought into compliance with the current codes; and
  - f. That upon failure of the Owner to comply with this Resolution, any mortgagees, lienholder, and other persons having an interest in the property have an additional ten (10) days to secure the Building and maintain the Building secure and clean the premises of all weeds, trash, and debris and maintain premises clean; and
3. That upon failure of the Owner to comply with this Order, the City of El Paso through its Director for Building Permits and Inspections shall secure the Building and maintain the Building secure and clean the premises of all weeds, trash, and debris and maintain premises clean at its own expense, but for and on account of the Owner of said property; and
4. That said Owner shall become personally liable for all costs incurred by City in connection with securing and maintaining the Building secure and cleaning the premises of all weeds, trash and debris; and
5. That the costs incurred by the City in connection with securing the building and cleaning the premises of all weeds, trash, and debris shall become due and payable within thirty (30) days of the date of completion of the work and such cost shall be assessed as a lien against the property unless paid; and
6. That upon failure of the Owner to comply with this Order, one or all of the following actions will be taken:
  - a. The City will perform any and all work needed to bring the property into compliance with this order, at its own expense but for and on account of the Owner of said property, the cost of which shall be assessed as a lien against the property; and
  - b. That upon failure of the Owner to comply with this order the City Council may assess a civil penalty against the property Owner in an amount not to exceed \$1,000.00 a day for each violation or, if the Owner shows that the property is the Owner's lawful homestead, in an amount not to exceed ten (10) dollars a day for each violation; and

- c. That upon failure of the Owner to comply with this order, the Owner may be confined in jail as permitted by state law; and
7. That upon failure of the Owner, any mortgages or lienholders to restore the Building so that it complies with all relevant City Code requirements, the City of El Paso, if applicable, may bring an action in District Court to request appointment of a receiver for the rehabilitation of said property pursuant to Section 214.003 of the Texas Local Government Code; and
8. The Owner, any mortgagees, or lienholders have a right to appeal these findings to a court of competent jurisdiction within ten (10) days after notice of this Resolution. The findings shall become final after ten (10) days of receipt of Notice; and
9. That any civil penalty or assessment imposed will accrue interest at a rate of ten (10) percent a year from the date of assessment until paid in full; and
10. That the City Clerk is ordered to cause copies of this Resolution to be served on the record Owner and all other persons having interest in the property as provided by law.

According to the real property records of El Paso County, you own the property described in this notice. If you no longer own the property, you must execute an affidavit stating that you no longer own the property and stating the name and last known address of the person who acquired the property from you. The affidavit must be delivered in person or by certified mail, return receipt requested, to this office no later than the 20<sup>th</sup> day after the date you receive this notice. If you do not send the affidavit, it will be presumed that you own the property described in this notice, even if you do not.

Mr. Thomas Maguire, Building Permits & Inspections Department, presented case to Council Members and gave the Department's recommendation(s).

Representative Rojas asked questions of Mr. Maguire.

Mr. Maguire responded.

Motion made by Representative Rojas, seconded by Representative Cobos and unanimously carried to accept the Department's recommendations.

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 Motion made by Representative Rojas, seconded by Representative Lozano and carried to postpone four (4) weeks the public hearing to determine if the property located at 8821 Harding Way, in the City of El Paso (legal description on file with the City Clerk) is a fire and safety hazard, and a nuisance and whether the same should be repaired or demolished. The owner of this property, Amparo R. Munoz, 8821 Harding Way, El Paso, Texas 79907, has been notified of the violations at this property.

Representatives Cook and Power voted Nay.

Mr. Thomas Maguire, Building Permits & Inspections Department, presented case to Council Members and gave the department's recommendation(s).

Representatives Rojas, Cobos, Cushing, Power, and Austin asked questions of Mr. Maguire.

Mr. Robles, property owner, spoke in Spanish and explained circumstances pertaining to the condition of the property; Representative Lozano interpreted for Mr. Robles.

Ms. Theresa Garcia, Assistant City Attorney, provided explanation regarding legal matters pertaining to condemnation hearings.

## RESOLUTION

WHEREAS, the Director for Building Permits and Inspections and the Fire Marshal of the City of El Paso have conducted an investigation and have reported to the City Council in writing that they are of the opinion that the structure located on the property at **5406 Joe Herrera Drive**, in El Paso, Texas, which property is more particularly described as follows:

**Lot: 14, Block 31, Tobin Park Unit Two, an addition to the City of  
El Paso, El Paso County, Texas, according to the map thereof on file  
in book 2, page 5, plat Records of El Paso County, Texas**

is dilapidated, substandard, and unfit for human habitation; is a hazard to public health, safety, and welfare; does not meet the minimum standards for continued use and occupancy contained in Titles 17 and 18 of the Municipal Code which are adopted and incorporated by reference into Section 18.52; and

WHEREAS, **Ingeburg Tejada, 5406 Joe Herrera Drive, El Paso, Texas 79924**, record Owner, and all mortgages and lienholders were duly notified according to law to appear at a public hearing before City Council at 9:00 a.m. on July 15<sup>th</sup>, 2003; and

WHEREAS, NO ONE, APPEARED,

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

1. That City Council having heard the evidence, makes the following findings:
  - a. That the structure located on said property is condemned as substandard, unfit for human habitation or use, and therefore a hazard to the public health, safety, and welfare; and
  - b. That the structure is not in substantial compliance with municipal ordinances regulating fire protection, structural integrity, and disposal of refuse; and
  - c. The structure's certificate of occupancy is hereby revoked; and
  - d. That the structure can be repaired.
1. That the City Council hereby orders Owner to comply with the following requirements:
  - a. That the Building be secured within (30) days; and
  - b. That the premises be cleaned of all weeds, trash and debris within (30) days; and
  - c. That the Owner of said Building is hereby ordered to comply with all requirements of the Resolution; and
  - d. The owner is advised that in order to obtain a new certificate of occupancy, the entire building and its service systems must be brought into compliance with the current codes.
  - e. That upon failure of the Owner to comply with this Resolution, any mortgagees, lienholder, and other persons having an interest in the property have an additional ten (10) days to secure the Building and maintain the Building secure and clean the premises of all weeds, trash, and debris; and
3. That upon failure of the Owner to comply with this Order, the City of El Paso through its Director for Building Permits and Inspections shall secure the Building and maintain the Building secure and clean the premises of all weeds, trash, and debris at its own expense, but for and on account of the Owners of said property; and

4. That said Owner shall become personally liable for all costs incurred by City in connection with securing and maintaining the Building secure and cleaning the premises of all weeds, trash and debris; and
5. That the costs incurred by the City in connection with securing the building and cleaning the premises of all weeds, trash, and debris shall become due and payable within thirty (30) days of the date of completion of the work and such cost shall be assessed as a lien against the property unless paid; and
6. That upon failure of the Owner to comply with this Order, one or all of the following actions will be taken:
  - a. The City will perform any and all work needed to bring the property into compliance with this order, at its own expense but for and on account of the Owner of said property, the cost of which shall be assessed as a lien against the property; and
  - b. That upon failure of the Owner to comply with this order the City Council may assess a civil penalty against the property Owner in an amount not to exceed \$1,000.00 a day for each violation or, if the Owner shows that the property is the Owner's lawful homestead, in an amount not to exceed ten (10) dollars a day for each violation; and
  - c. That upon failure of the Owner to comply with this order, the Owner may be confined in jail as permitted by state law; and
7. That upon failure of the Owner, any mortgages or lienholders to restore the Building so that it complies with all relevant City Code requirements, the City of El Paso, if applicable, may bring an action in District Court to request appointment of a receiver for the rehabilitation of said property pursuant to Section 214.003 of the Texas Local Government Code; and
8. The Owner, any mortgagees, or lienholders have a right to appeal these findings to a court of competent jurisdiction within ten (10) days after notice of this Resolution. The findings shall become final after ten (10) days of receipt of Notice; and
9. That any civil penalty or assessment imposed will accrue interest at a rate of ten (10) percent a year from the date of assessment until paid in full; and
10. That the City Clerk is ordered to cause copies of this Resolution to be served on the record Owner and all other persons having interest in the property as provided by law.

According to the real property records of El Paso County, you own the property described in this notice. If you no longer own the property, you must execute an affidavit stating that you no longer own the property and stating the name and last known address of the person who acquired the property from you. The affidavit must be delivered in person or by certified mail, return receipt requested, to this office no later than the 20<sup>th</sup> day after the date you receive this notice. If you do not send the affidavit, it will be presumed that you own the property described in this notice, even if you do not.

Mr. Thomas Maguire, Building Permits & Inspections Department, presented case to Council Members and gave the Department's recommendation(s).

Motion made by Representative Cook, seconded by Representative Escobar and unanimously carried to approve the above Resolution.

.....

Motion made by Representative Cobos, seconded by Representative Escobar and carried to postpone eight (8) weeks the public hearing to determine if the property located at 410 S Ochoa Street, in the City of El Paso (legal description on file with the City Clerk) is a fire and safety hazard, and a nuisance and whether the same should be repaired or demolished. The owners of record as of April 23<sup>rd</sup>, 2003, Narcisco and Josefina Trillo, 3220 Montana Ave., El Paso, Texas 79903, have been notified of the violations at this property. Delinquent taxes in the amount of \$0.

Representative Power abstained from the vote.

Mr. Thomas Maguire, Building Permits & Inspections Department, presented case to Council Members and gave the Department's recommendation(s).

Mr. Miguel Andrade, nephew of property owner, stated he would assist his aunt in rehabilitating her home and requested a 90-day extension.

.....  
Motion made by Representative Cushing, seconded by Representative Lozano and carried to postpone four (4) weeks the Public hearing to determine if the property located at 3718 Wickham Ave., in the City of El Paso (legal description on file with the City Clerk) is a fire and safety hazard, and a nuisance and whether the same should be repaired or demolished. The owner of record as of Mach 28<sup>th</sup>, 2003, Marta Martinez, 3718 Wickham Ave. El Paso, Texas 79904, has been notified of the violations at this property. Delinquent taxes in the amount of \$83.95.

Representative Power voted Nay.

Mr. Thomas Maguire, Building Permits & Inspections Department, presented case to Council Members and gave the Department's recommendation(s).

Representative Cushing noted that he had met with the property owner and added that she had requested more time to complete the rehabilitation to her property.

.....  
Motion made by Representative Cushing, seconded by Representative Cobos and carried to postpone four (4) weeks the public hearing to determine if the Council Resolution of May 20<sup>th</sup>, 2003, for the property located at 2322 Silver Avenue, in the City of El Paso (legal description on file with the City Clerk) has been complied with and if not to determine penalties. The owner of record as of November 18<sup>th</sup>, 2002, Ruben Anguiano, 2330 Montana, El Paso, Texas 79903, has been notified of the violations at this property. Delinquent taxes in the amount of \$3,714.25.

Representative Power voted Nay.

Mr. Thomas Maguire, Building Permits & Inspections Department, presented case to Council Members and gave the Department's recommendation(s).

Mr. Ruben Anguiano, property owner, provided comments relating to the condition of the property.

Representatives Power, Cushing, Austin, Escobar, Cook, Lozano, Rojas, Escobar, and Cook provided comments.

Mayor Joe Wardy requested that Mr. Maguire provide a training session for the new Council Members pertaining to condemnation and penalty hearings procedures and processes.

.....

\*Motion made, seconded and unanimously carried to delete the Public hearing to determine if the Council Resolution of June 3<sup>rd</sup>, 2003, for the property located at 804-812 E. Third Street, in the City of El Paso (legal description on file with the City Clerk) has been complied with and if not to determine penalties. The owner of record as of March 4<sup>th</sup>, 2003, Maria Elena Castruita, 417 S. Ochoa Street, El Paso, Texas 79901, has been notified of the violations at this property. Delinquent taxes in the amount of \$1,805.30.

.....  
Motion made by Representative Power, seconded by Representative Escobar and unanimously carried to approve the Conditional "B" building permits for Tierra Del Este Unit 8 on the finding of economic hardship.

Mr. Gonzalo Cedillos, Director of Engineering, provided information regarding Conditional "B" building permits.

Mr. Conrad Conde, representing the applicant, explained the reasoning for the Conditional "B" building permits request.

.....  
Motion made by Representative Power, seconded by Representative Escobar and unanimously carried to approve the Conditional "B" building permits for Tierra Del Este Unit 12 on the finding of economic hardship.

Mr. Gonzalo Cedillos, Director of Engineering, provided information regarding Conditional "B" building permits.

Mr. Conrad Conde, representing the applicant, explained the reasoning for the Conditional "B" building permits request.

.....  
No action was taken regarding the discussion and action on the issuance of early start permits in general and the request for an early start permit for the construction project located at Hondo Pass and Gateway South.

Representative Cook provided background information pertaining to early start permits in general.

Mr. Said Larbi-Cherif, Assistant Director of Building Permits and Inspections, responded to Representative Cook's comments and added that the Site Development Plans come before the City Plan Commission for approval; however, Special Contracts come before the Council for approval.

Mr. Joe Melendez, architect for Mr. Levy, commented on City Ordinances, street paving, landscaping and other matters pertaining to Mr. Levy's construction project.

Representative Cushing added remarks.

Mr. Levy, citizen, noted that the City had issued him a grading permit and explained the costs involved in grading.

.....  
Motion made, seconded and unanimously carried to direct the Planning Research and Development Department to begin the process for a City-initiated renaming of Railroad Drive from Fred Wilson to McCombs Street to "Sam Borsberry Drive", and to direct City staff to bring the item back to City Council in the appropriate format.

Representative Cook provided information regarding Mr. Borsberry's history.

Mr. Burt Borsberry, son of Mr. Borsberry, spoke on his father's behalf and thanked Council Members for honoring his father.

Ms. Patricia Adauto, Deputy CAO for Building and Planning Services, explained that the street renaming would require going through the proper procedures.

.....

Motion made by Representative Power, seconded by Representative Escobar and unanimously carried to direct City staff to place the item on the agenda for the next meeting of the Ethics Review Commission and that the Commission report to Council with their recommendation(s). (The item had been posted on the Regular Agenda as follows: Discussion and action limiting campaign contributions to City Representatives by entities with business before the A/E Selection Committee.)

Representative Power explained the reasoning for his request.

Representatives Cobos, Cook, Cushing, Escobar, and Austin provided comments.

Representative Cushing stated he would provide the City Clerk's office with a written abstract within one hour of the City Council meeting's closure.

Mayor Joe Wardy noted that campaign finance reports are filed in the City Clerk's office for public information.

Mr. Jorge Artalejo, citizen, provided comments.

Mr. Albert Jefferson, citizen, requested Council appoint Board Members to an Ad Hoc Committee to handle the matter.

.....  
**RESOLUTION**

**A RESOLUTION AUTHORIZING THE GENERAL MANAGER OF THE EL PASO WATER UTILITIES PUBLIC SERVICE BOARD (PSB), ON BEHALF OF THE CITY AND PSB, TO SUBMIT TO THE TEXAS WATER DEVELOPMENT BOARD (TWDB) AN APPLICATION FOR FINANCIAL ASSISTANCE THROUGH THE CLEAN WATER ACT STATE REVOLVING FUND TO PROVIDE FOR THE PURCHASE OF \$10,000,000.00 OF CITY OF EL PASO WATER AND SEWER REVENUE BONDS FOR THE NEXT PHASE OF THE EAST SIDE WASTEWATER COLLECTOR SYSTEM. THIS RESOLUTION ALSO AUTHORIZES THE MAYOR TO SIGN ANY AND ALL NECESSARY DOCUMENTS TO ACCOMPLISH THE APPLICATION.**

**WHEREAS**, the El Paso Water Utilities has planned for a comprehensive wastewater infrastructure system to meet existing customer demands and to handle projected growth in east El Paso; and

**WHEREAS**, the design and construction of this infrastructure will be in phases starting in calendar year 2000 and ending in calendar year 2010 with a total estimated cost of \$38 million; and

**WHEREAS**, the Texas Water Development Board (TWDB) has established a financial assistance program to assist in the construction of wastewater treatment facilities and related projects; and

**WHEREAS**, the Public Service Board (PSB) finds that it is in the best interest of its water and sewer customers to submit an application to the TWDB for financial assistance to complete this project; and

**WHEREAS**, the PSB, by Resolution dated July 9, 2003, authorized the General Manager of the PSB to submit an application to the TWDB through the Clean Water Act State Revolving Fund (CWSRF) to purchase \$10,000,000 of City of El Paso Water and Sewer Revenue Bonds to fund the next phase of the East Side Wastewater Collector System; and

**WHEREAS**, the PSB, also by Resolution dated July 9, 2003, requested the City Council of the City of El Paso to pass all necessary resolutions approving and authorizing the filing of the application with the TWDB for the CWSRF funding; and



**WHEREAS**, the City Council finds that it is in the best interest of the citizens of El Paso for the East Side Wastewater Collector System to be constructed through CWSRF funding; NOW THEREFORE,

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO THAT:**

The General Manager of the El Paso Water Utilities Public Service Board (PSB) is hereby authorized to submit, on behalf of the PSB and the City of El Paso, an application with the Texas Water Development Board (TWDB) for financial assistance through the TWDB Clean Water State Revolving Fund (CWSRF) to purchase \$10,000,000.00 of City of El Paso Water and Sewer Revenue Bonds to fund the next phase of the East Side Wastewater Collector System.

The Mayor is also authorized to sign any and all documents required to further the application the subject of this Resolution.

Mr. Nick Costanzo, Assistant Manager for the El Paso Water Utilities, provided information for Council Members regarding the Resolution.

Motion made by Representative Cushing, seconded by Representative Escobar and unanimously carried to approve the above Resolution.

Representative Rojas requested Mr. Costanzo meet with her as the new East side wastewater collector system was located within her district.

.....  
Motion made by Representative Escobar, seconded by Representative Cook and unanimously carried to approve the El Paso County 911 District's FY 2003-2004 Budget.

Representative Cobos was not present for the vote.

Mr. Joe Lorkowski, Director of El Paso County 911 District, presented Council Members the district's FY 2003-2004 budget.

Mr. Ray Gilbert, citizen, provided remarks.

.....  
Motion made by Representative Cook, seconded by Representative Escobar and unanimously carried that the following Ordinances, having been introduced pursuant to Section 3.9 of the El Paso City Charter, be advertised for public hearing:

Representative Cobos was not present for the vote.

- A. An Ordinance permitting Eric Armendariz to use a portion of Madeline Park from 6:00 PM until 7:00 PM on September 27, 2003.
- B. An Ordinance to amend Title 6 (Vehicle for Hire), Chapter 6.16 (Taxicabs), Section 6.16.090 (Permit Fees – Granting of Operating Permit), Subsection A and Subsection C, to reduce the permit fee.

**PUBLIC HEARING WILL BE HELD ON JULY 29, 2003 FOR ITEMS 26A – 26B**

- A. An Ordinance changing the zoning of Tracts 17B2B1, 17B2B4A, 17C1 & 17C2B, Block 12, YSLETA GRANT, El Paso, El Paso County, Texas (8531-B Van Haselen Court) from R-2/sc (Residential/special contract) to R-3A (Residential). The penalty is as provided in Section 20.68.010 of the El Paso Municipal Code. ZC-03030. Applicant: Dora Coronel / Representative: Monty Roberson, 9440 Viscount, Ste. 103, El Paso, TX 79925

- B. An Ordinance changing the zoning of Parcel 1: Tracts 17C70, 17C129, 17C138, 17C137, 17C151, 17C14 & 17C133, Section 8, Block 79, Township 3, T & PRRC SURVEYS, El Paso, El Paso County, Texas (East of St. Vitas Place and West of Loop 375) from R-3 (Residential) to PR-1 (Planned Residential) and Parcel 2: Tracts 17C80, 17C154, 17C153, 17C152, 17C82, 17C14, 17C84, 17C136, 17C148 & 17C46, Section 8, Block 79, Township 3, T & PRRC SURVEYS, El Paso, El Paso County, Texas (East of St. Vitas Place and West of Loop 375) from R-3 (Residential) to A-2 (Apartment.) The penalty being as provided in Section 20.68.010 of the El Paso Municipal Code. ZC-02033 Applicant: Tropicana Homes, Inc./Representative: CEA Engineering Group, 2718 Wyoming, El Paso, TX 79903
- C. An Ordinance changing the zoning of Lot 13 and the North 10 Feet of Lot 14, Block 74, CAMPBELL ADDITION, El Paso, El Paso County, Texas (804 South Oregon) from SRR (Special Residential Revitalization) to S-D (Special Development.) The penalty is as provided in Section 20.68.010 of the El Paso Municipal Code. ZC-03020 Applicant/Representative: Phillip Olivar, 2501 Scenic Crest, El Paso, TX 79930
- D. An Ordinance changing the zoning of Tracts 17C149 and Tract 17C109, Block 79, Township 3, Texas and Pacific Railway Company Surveys, El Paso, El Paso County, Texas (Joe Battle Boulevard North of Vista Del Sol Drive) from R-3 (Residential) to C-4 (Commercial) and imposing certain conditions. The penalty is as provided in Chapter 20.68 of the El Paso Municipal Code. Applicant: Tropicana Homes, Inc. / Representative: CEA Engineering Group, 2718 Wyoming, El Paso, TX 79903. ZC-03031
- E. An Ordinance changing the zoning of Parcel 1: A portion of Block 2, Eastwood Section One, El Paso, El Paso County, Texas from C-1 (Commercial) to C-3 (Commercial) and Parcel 2: A portion of Block 2, Eastwood Section One, El Paso, El Paso County, Texas from C-1 (Commercial) to C-3 (Commercial). The penalty is as provided in Chapter 20.68 of the El Paso Municipal Code. Applicant: River Oaks Properties, Ltd. / Representative: Brock & Bustillos, Inc.; 417 Executive Center Boulevard, El Paso, TX 79902. ZC-03032
- F. An Ordinance changing the zoning of all of Tracts 1F, 3B, 3B1A and 3C, and portions of Tracts 1J, 1J1 and 1K, Block 10, Upper Valley Surveys, El Paso, El Paso County, Texas (Artcraft Road and Westside Drive) from R-F (Ranch-Farm) to R-3A (Residential). The penalty is as provided in Section 20.68.010 of the El Paso Municipal Code. Applicant: Rancho Real V, Ltd. / Representative: Conde, Inc.; 1790 Lee Treviño Drive Suite 400, El Paso, TX 79936. ZC-03017

**THIS IS AN APPEAL CASE**

# **PUBLIC HEARING WILL BE HELD ON AUGUST 5, 2003 FOR ITEMS 26C – 26H**

Public Hearings will be held as part of the regular City Council meeting which begins at approximately 9AM. All interested persons present shall have an opportunity to be heard at that time. After the public hearings, Council may also delay taking action on Ordinances, no requirement is made by Section 3.9B of the El Paso City Charter to publish any further notice. Copies of all Ordinances are available for review in the City Clerk's office, 2 Civic Center Plaza, Monday through Friday, 8AM to 5PM.

## **ADDITION TO THE AGENDA**

### **\*RESOLUTION**

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:**

That the Mayor be authorized to sign an Interlocal Agreement between the City of El Paso and the El Paso Independent School District for the City, through its Parks & Recreation Department to conduct an after-

school Neighborhood Youth Outreach Program for recreational services at Lee Elementary School effective from date signed through August, 2003.

.....  
\*RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign an application to the Texas Forest Service ("TFS") for a grant under the Urban Forestry Partnership Grant Program in the amount of \$8,340.00 to cover a portion of the costs of professional training in arboriculture care for a crew of Parks & Recreation Department maintenance personnel and that the Mayor be authorized to sign any required contracts and related documents accepting a grant for such amount or for any lesser amount approved by TFS. Matching funds in the amount of \$6,300.00 from the "2000 Park Bond Contingency" will be required.

.....  
\*Motion made, seconded and unanimously carried to appoint Harry Nagler to the Community Center Screening Committee by Representative Robert A. Cushing, Jr.

.....  
Motion made by Representative Escobar, seconded by Representative Cushing and unanimously carried that the City Council retire into **EXECUTIVE SESSION** pursuant to Section 3.5A of the El Paso City Charter and the Texas Government Code, Sections 551.071 - 551.076 to discuss any of the following:  
Representative Cobos was not present for the vote.

- Section 551.071      CONSULTATION WITH ATTORNEY
- Section 551.072      DELIBERATION REGARDING REAL PROPERTY
- Section 551.073      DELIBERATION REGARDING PROSPECTIVE GIFTS
- Section 551.074      PERSONNEL MATTERS
- Section 551.076      DELIBERATION REGARDING SECURITY DEVICES

A.      Discussion and action regarding the issuance of early start permits in general and the request for an early start permit for the construction project located at Hondo Pass and Gateway South. (551.071)

Motion made by Representative Cook, seconded by Representative Escobar and unanimously carried to adjourn the Executive Session and reconvene the meeting of the City Council, during which time motions were made as follows:


Representatives Lozano, Power and Cobos were not present for the vote.

.....  
No action was taken regarding the discussion and action on the issuance of early start permits in general and the request for an early start permit for the construction project located at Hondo Pass and Gateway South.

.....  
Motion made by Representative Cushing, seconded by Representative Escobar and unanimously carried to adjourn this meeting at 12:10 p.m.

APPROVED AS TO CONTENT:                      APPROVED AS TO FORM:

  
\_\_\_\_\_  
Richarda Duffy Momsen, City Clerk

  
\_\_\_\_\_  
Lisa Elizondo, City Attorney